

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

CIVIL APPLICATION NO.5314 OF 2006 IN F.A.NO.3111 OF 2006

Mr. Mohd. Yunus Asgar Ali Faruqui and ors. ..Applicants.
Vs.

K.N. Patil and ors. ..Respondents.

Mr. P.K.Dhakephalkar i/by N.P.Shimpi for the
Applicants.

Mr.R.S.Datar for the Respondents.

**CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 28th March, 2007**

P.C.

1. This is an application for stay of decree passed in Special Civil Suit No.1036 of 1997 filed by the applicants so also for the relief that the defendants/respondents shall not transfer the said property pending the appeal and shall not create third party interest. Initially the suit was filed by the applicants for specific performance of an agreement. However, the suit filed by the applicants was dismissed and therefore, there is no question of staying any decree. However, in order to maintain the subject matter in the decree, it is necessary to pass the prohibitory order against the defendants-respondents. We therefore, pass the following order.

2. Civil Application is made absolute in terms of prayer clause (b).

3. Application is disposed of.

:2:

(R.S. MOHITE, J.)

(S.B. MHASE, J.)